



COUNTY OF HUDSON
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DIVISION OF PLANNING
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January 22, 2009

Secretary
Surface Transportation Board
Washington, DC 20423

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

FEB 3 2009

Part of
Public Record

Re: Consolidated Rail Corporation -
Abandonment Exemption - In Hudson County, NJ
AB 167 (Sub-no. 1189X)

CSX Transportation, Inc.
Discontinuance Exemption - In Hudson County, NJ
AB 55 (Sub-no. 686X)

Norfolk Southern Railway Co. -
Discontinuance Exemption - In Hudson County, NJ
AB 290 (Sub-no. 306X)

Reply and Request for Consulting Party Status

Dear Secretary and Ms. Rutson:

I understand that on January 6, 2009, Conrail et al. filed a Notice of Exemption in the cases referred to above. At the same time, Conrail et al. filed "Comments" and "Motion to Stay Effective Date of Verified Notices of Exemption and to Waive Pre-Filing Notification Requirements."

Hudson County Division of Planning
January 22, 2009
Page 2

Please accept this letter on behalf of the County of Hudson. The Hudson County Division of Planning is an 'A95' intergovernmental review agency designated by the County of Hudson to review and comment on federally sponsored projects, proposed regulations and rulemaking affecting Hudson County. The County of Hudson objects to exemption procedures in this very controversial case. An abandonment authorization within the schedule Conrail et al. suggest cannot be done in compliance with the National Historic Preservation Act (NHPA) sections 106 and 110 (k), 16 U.S.C. 470 f and 470 h-2(k) or the National Environmental Policy Act (NEPA) section 102, 42 U.S.C. 4332. The abandonment authorization is barred by NHPA Section 110 (k), because Conrail and its developer partner have engaged in anticipatory demolition of rail assets.


The County of Hudson requests a full Environmental Impact Statement (EIS) to address the many issues raised by this potential abandonment. In addition, the Hudson County Division of Planning respectfully requests consulting party status in an NHPA Section 106 review.

If you have any questions or need additional information or assistance, please feel free to contact my office at any time. Thank you for your attention to this very important matter.

*Hudson County Division of Planning
January 22, 2009
Page 3*

Certificate of Service

I hereby certify that on January 22, 2009, I caused a copy of this correspondence to be served by first class mail to those appearing on the attached Service List.


***Stephen D. Marks, PP, AICP, CFM
Planning Director***